

STATE OF NEW YORK

SOUTHERN DIST. COUNTY

U S DISTRICT COURT

DOCUMENTS SERVED WITH INDEX # 07-CV-7244 AND FILED ON NOVEMBER 26, 2007

ATTORNEY(S) Seaboard Adjustment Bureau , Lindon Hock

Kari-Out Club, LLC v/a Kari-Out Co

Plaintiff(s)/Petitioner(s)

PS

Shambaugh & Son LP

Defendant(s)/Respondent(s)

STATE OF NEW YORK: COUNTY OF ALBANY

, SS.:

Christopher Warner , being duly sworn deposes and says deponent is not a party herein,

is over the age of eighteen years and resides in the State of New York. That on December 14, 2007 at 1:00 pm M
at Corporation Service Company, 80 State St., Albany, NY deponent (did, did not) serve the within

Third-Party Summons in a Civil Action & Third Party Complaint

on: Shambaugh & Son, LP , Third Party Defendant (herein called recipient) therein named

#1 INDIVIDUAL By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein #2 CORP A xxxxxxx corporation, by delivering therat a true copy of each to Tonya Chapple personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be Agent for Service thereof

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person, including an effort to reach the defendant by telephone. (if such telephone number was available) and an attempt to locate the defendant's place of employment

#3 SUITABLE AGE PERSON By delivering a true copy of each to a person of suitable age and discretion. Said premises is recipient's [] actual place of business [] dwelling house (usual place of abode) within the state #4 AFFIXING TO DOOR By affixing a true copy of each to the door of said premises, which is recipient's [] actual place of business [] dwelling house (usual place of abode) within the state

#5 MAILING COPY On _____ deponent completed service under the last two sections by depositing a copy of the

to the above address in a First Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York

Deponent called at the aforementioned address on the following dates and times:

on the _____ day of _____ at _____

#6 NON-SERVICE After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following:

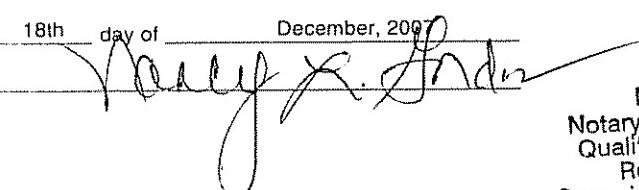
 Unknown at Address Evading Moved left no forwarding Address does not exist Other#7 DESCRIPTION A description of the Defendant, or other person served, on behalf of the Defendant is as follows:
 Sex Female Color of skin Black Color of hair Black Approx Age 36 - 50 Yrs. Approx Height 5' 4" - 5' 8" Approx weight 161 - 200 Lbs Other _____
(use with #1 2 or 3)#8 WIT. FEES \$ _____ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient

Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or on active duty in the military service in the State of New York and was informed he/she was not

Sworn to before me on this

18th day of December, 2007

Christopher Warner



NANCY L. GORDON
Notary Public, State of New York
Qualified in Rensselaer County
Reg. No. 01GO4503730
Commission Expires June 30, 2010
Work Order # 0725100

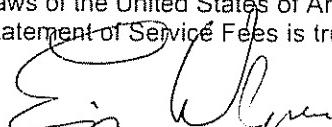
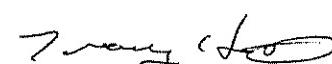
AO 441 (Rev. 5/85) Third Party Summons in a Civil Action - SDNY WEB 6/99

RETURN OF SERVICE

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE 12/14/07 C 1:00PM	
NAME OF SERVER <u>Christopher Werner</u>	TITLE Process Server	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the third-party defendant. Place where served: <u>Shambough & Sons, L.P.</u> <u>C/o CSC, 80 State St., Albany, NY</u> by leaving with <u>Tanya Chapke</u> <u>(Agent for Service)</u>		
<input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____ 		
<input type="checkbox"/> Other (specify): _____ 		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u>12-24-07</u>	<u>Signature of Server</u> <u>Robin Brandow</u> <u>Schodack, NY</u> <u>Address of Server</u>	
ROBIN BRANDOW Notary Public, State of New York Qualified in Albany County Reg. No. 01BR6149507 Commission Expires July 10, 2010		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

AO 441 (Rev. 5/85) Third Party Summons in a Civil Action -SDNY WEB 5/99

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾ NAME OF SERVER <i>ERIC WYNN</i>	DATE <i>12/7/07 @ 9:30 AM</i>	TITLE <i>PROCESS SERVER</i>
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the third-party defendant. Place where served: <i>KEVIN L. BEACH, V.P., 7614 OPPORTUNITY DR., FORT WAYNE, IN 46825</i>	<input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein Name of person with whom the summons and complaint were left: _____	
<input type="checkbox"/> Returned unexecuted: _____		
<input type="checkbox"/> Other (specify): _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct		
Executed on <u>12/7/07</u> Date	 Signature of Server	
<u>Indianapolis, IN 46219</u> Address of Server		
 ALLEN COUNTY FA EXP MARCH 12, 2013		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure